

SUPREME COURT
OF THE STATE OF WASHINGTON

NOEL PROCTOR,

Petitioner,

vs.

ROBERT "FORD" HUNTINGTON
and CHRISTINA HUNTINGTON,
husband and wife, and the marital
community therein,

Respondents.

NO. 82326-0

SECOND STATEMENT OF
ADDITIONAL AUTHORITIES

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h/c

COMES NOW petitioner Noel Proctor and submits the following
additional authority to the Court pursuant to RAP 10.8 and in response to
questions from the panel during oral argument on January 12, 2010:

- RP 501 (the surveyor denies meeting Ford Huntington at the Huntingtons' property in May 1995);
- RP 182-83; CP 40 (In June 1994, the Huntingtons began camping on what became Proctor's property in two locations, one of which was the site where they built their home);
- RP 518-19, 633, 639 (The Huntingtons' home is located on the highest point of Proctor's property);
- CP 49, 103 (Neither homesite was visible to the other during construction);
- RP 319, 612-13, 615; CP 101-02 (Proctor was frequently absent during construction of his home and returned to his property only occasionally because of his flight schedule);

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Second Statement of Additional Authorities - 1

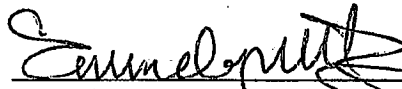
Talmadge/Fitzpatrick
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ORIGINAL

- CP 245 (Proctor's request for reasonable rent is denied);
- RP 267, 660, 663, 665-66, 669, 790, 795, 797; CP 50; Exs. 94, 96, 98 (settlement negotiations);
- RAP 2.5(a) (indicating an appellate court may refuse to review any claim of error which was not raised in the trial court);
- *Boeing Co v. State*, 89 Wn.2d 443, 451, 572 P.2d 8 (1978) (declining to consider a theory raised for the first time on appeal).

DATED this 26th day of January, 2010.

Respectfully submitted,



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Attorneys for Petitioner Noel Proctor

DECLARATION OF SERVICE

On said day below I emailed and deposited in the U.S. Mail a true and correct copy of the following document: Second Statement of Additional Authorities in Supreme Court Cause No. 82326-0 to the following:

Bradley W. Andersen
Phillip J. Haberthur
Schwabe, Williamson & Wyatt, P.C.
700 Washington Street, Suite 701
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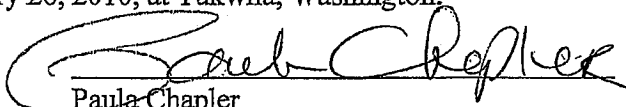
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CLERK

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: January 26, 2010, at Tukwila, Washington.


Paula Chapler
Talmadge/Fitzpatrick

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ATTACHMENT TO EMAIL

DECLARATION

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